

**IOWA BOARD OF MEDICINE
REGULARLY SCHEDULED MEETING: February 5-6, 2015**

A G E N D A^{1, 2, 3, 4, 5}

BOARD MEMBERS: Hamed Tewfik, M.D., Chairperson; Michael Thompson, D.O., Vice Chairperson; Allison Schoenfelder, M.D., Secretary; Frank Bognanno; Julie Carmody, M.D.; Ronald Cheney, D.O.; Diane Clark; Diane Cortese; Julie Perkins, M.D.

THURSDAY, FEBRUARY 5, 2015

7:30 a.m. **EXECUTIVE COMMITTEE** – Medical Conference Room B
Chair Tewfik, Bognanno, Clark, Schoenfelder, Thompson

8:00 a.m. **SCREENING COMMITTEE** – Board Room
Chair Perkins, Carmody, Cheney, Cortese

9:00 a.m. **MONITORING COMMITTEE** – Board Room
Chair Thompson, Bognanno, Cheney, Perkins, Tewfik

9:00 a.m. **LICENSURE COMMITTEE** - Medical Conference Room B
Chair Schoenfelder, Carmody, Clark, Cortese

FULL BOARD – OPEN SESSION - Board Room
Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins,
Schoenfelder, Thompson

BOARD – CLOSED SESSION¹ - Board Room
Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins,
Schoenfelder, Thompson

A. Iowa Physician Health Committee

1. Notice of non-compliance

B. Committee Reports

- 1. Screening**
- 2. Monitoring**
- 3. Licensure**

C. Review of closed minutes

- 1. December 4-5, 2014 Board Meeting**
- 2. January 15, 2015 Teleconference**

LUNCH BREAK

BOARD – CLOSED SESSION¹ - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

FULL BOARD – OPEN SESSION - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

A. Unlicensed Practice of Medicine Cases

- 1. Amy D. Putney, Waterloo, IA**

B. Vote on Closed Session Cases

FRIDAY, FEBRUARY 6, 2015

8:00 a.m. -

FULL BOARD – OPEN SESSION - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

BOARD – CLOSED SESSION¹ – Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

FULL BOARD – OPEN SESSION - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

A. Vote on Closed Session Cases

9:00 a.m. -

OPEN SESSION/PUBLIC MEETING^{3,5} - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

BOARD – CLOSED SESSION¹ - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

A. Roll-call to establish quorum; acknowledge absent Board members

B. Opportunity for public comments⁵

C. Board Minutes for Consideration of Approval

1. December 4-5, 2014 Board meeting (Open & Closed sessions)
2. January 15, 2015, teleconference (Open & Closed sessions)

D. Chair's Report

E. Executive Director's Report

F. Administrative Rules

1. **Standards of practice - telemedicine. Noticed ARC 1769C.** Review of public comments received at January 15, 2015, public hearing.
2. **Military Service and Veteran Reciprocity. Filed ARC 1804C.** Review of effective date, January 28, 2015.
3. **Physician Assistants - On-site visits by supervising physician. Noticed ARC 1741C.** Review of Board of Physician Assistants' vote to adopt and file this amendment.

G. 2015 Legislature

1. Board's legislation

- Acupuncture (Chapter 148E) revisions
- Interstate Medical Licensure Compact
- Relinquish license and administrative license
- Civil penalty cap and use of administrative law judges
- PMP reference when drug abuse or diversion suspected

2. Other legislation of interest

- **Licensure** (anesthesiologists assistants, naturopaths, nursing, physician assistants, psychologists, polysomnographic techs)
- **Standards of practice** (abortion, mammography report, pulse oximetry screening, telemedicine)
- **Rulemaking** (sunsets, public hearings and explanations, federal requirements)

H. Judicial Review/Legal Update

1. **IAC 653 13.10 – Standards of practice for physicians who perform medical abortions.** Supreme Court. The Board's brief was submitted in mid-January. Planned Parenthood's reply brief due week of February 1. Case will then it will be set for oral argument.

2. **Amjad Butt, M.D.** – Two cases. District Court has reinstated one case previously dismissed because respondent’s attorney failed to timely file a brief. The court subsequently allowed this case to move forward for briefing. The other is on appeal in the Supreme Court. Board's brief was filed in January.

4. **Richard Fleming, M.D.** – Supreme Court. Dr. Fleming continues to submit briefing that was not compliant. We are awaiting a filing from him and then final briefs will be submitted. He is still submitting a non-compliant appendix. Awaiting court order.

5. **Wendy Smoker, M.D.** – Appeals Court. Dr. Smoker is seeking reimbursement for alcohol screening after Appeals Court overturned Board’s charges against her. Final briefs have been submitted. Awaiting schedule for oral argument.

6. **Amy D. Putney** - She is seeking a judicial review challenging the Board’s cease and desist order concerning her practice of neurofeedback.

I. Iowa Physician Health Committee/Program

1. Staffing/transition
2. 2014 statistics
3. January 2015 statistics

J. Federation of State Medical Boards

1. **103rd annual meeting April 23-25, Fort Worth, TX**
 - Voting delegate (Hamed Tewfik, M.D.)
 - Resolutions deadline February 24

K. Reports & Articles

1. *10 Things Doctors with their Patients Wish they Knew*, 2015
2. *AOA State Legislative Update*, 2014
3. *Burnout rate soars among family physicians*, Diana Phillips, Medscape Medical News, January 28, 2015
4. *Hospitalists’ Numbers Quadrupled in Last Decade*, Cheryl Clark, Healthleaders Media, September 4, 2014
5. *NBOME Osteopathic Examiner*, 2015
6. *NCCAOM News*, Winter 2015
7. *Report on Prescription Monitoring Program*, Iowa Board of Pharmacy, January 19, 2015
8. *Telehealth Index: 2015 Consumer Survey*, Mary Modahl, American Well, January 2015

L. Licensure

LUNCH BREAK

BOARD – CLOSED SESSION¹ – Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

BOARD – OPEN SESSION - Board Room

Chair Tewfik, Bognanno, Carmody, Cheney, Clark, Cortese, Perkins, Schoenfelder, Thompson

A. Vote on Closed Session Cases

ADJOURN

If there is no further business to conduct, the chairperson will declare the meeting adjourned.

(1) The confidential matters listed on the agenda may concern medical records on the condition, diagnosis, care or treatment of a patient or investigation reports and other investigative information which are privileged and confidential under the provisions of Sections 22.7(2) and 272C.6(4), of the 2012 Code of Iowa. These matters constitute a sufficient basis for the Board to consider a closed session under the provisions of Section 21.5(1)(a), (d), (f) and (g) of the 2012 Code of Iowa. These sections provide that a governmental body may hold a closed session only by affirmative public vote of either two-thirds of the members of the body if all present, or all of the members present if not all members are present at the meeting to review or discuss records which are required or authorized by state or federal law to be kept confidential, to discuss whether to initiate licensee disciplinary investigations or proceedings and to discuss the decision to be rendered in a contested case conducted according to the provisions of Chapter 17A.

(2) Hearings may be closed at the discretion of the licensee, according to Section 272C.6(1) of the Code of Iowa 2012.

(3) Public agenda materials are available via e-mail. Public sessions are recorded and available via CD upon request. Contact Alicia.Hill@iowa.gov.

(4) The Iowa Board of Medicine may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.

(5) At this time, members of the audience may address the Board for a period not to exceed 5 minutes. The Board reserves the right to reduce this time based on the number wishing to speak. If a member of the public wishes to address the Board with the intention of getting a Board decision at the meeting, the individual should request permission to be on the Board agenda. Written requests are due in the Board office at least 14 days in advance of the meeting.

The next scheduled Board meeting is Thursday and Friday, April 2-3, 2015, at 400 SW Eighth Street, Suite C, Des Moines, Iowa 50309.

If you require the assistance of auxiliary aids or services to participate in/or attend the meeting because of a disability, please call our ADA Coordinator at (515) 281-5604. If you are hearing impaired, call Relay IA TTY at 1-800-735-2942.